



Case: G\$P1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE Patent Application SN: 10/727,584

FILED: 12/05/2003

SUBJECT: Hybrid communication terminal-alarm system

Feb 17, 2006

United States Patent and Trademark Office
Customer Service Window, Mail Stop PETITIONS
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

The above-identified application was filed in the USPTO and received the filing date of 12/05/2003, and a serial number of 09/165,031. A Notice of Abandonment dated 10/27/2005 was received early November 2005, indicating that the above-identified application was abandoned for failure to timely reply to the Notice of Missing Parts mailed on 03/08/2004.

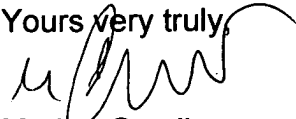
The inventors hereby respectfully request that the application be revived and on the grounds of unintentional delay. In support of this request, the inventor attach to this letter:

- A "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) ("the Petition");
- A statement in support of the Petition;
- The requisite petition fee of 750\$ small entity, as required by 37 CFR 1.17 (m) (fee code 1453/2453);
- a copy of the new Declaration sent by registered mail, RT 747 177 265 CA;
- a copy of the USPTO letter confirming that the new Declaration has been received;
- a copy of the Notice of Abandonment under CFR 1.53(f) or (g); and
- a self addressed card.

The Office is requested to return the self-addressed card to the sender, stamped with the date of receipt and filing of this Application for Patent.

The inventors submit that they acted as promptly as they could after they become aware of the abandonment, having in view their understanding of the legal issues involved, and also having in view the time needed for securing the funds necessary for this Petition.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Marian Gavrilă', with a stylized, wavy line extending from the end of the name.

Marian Gavrilă

FEB 17, 2006.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

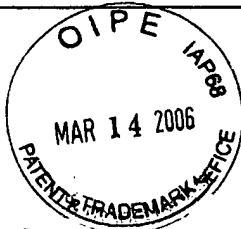
Docket Number (Optional)

First named inventor: Marian Gavrilă

Application No.: 10/727,584

Filed: 12/05/2003

Title: Hybrid Communication Terminal - Alarm System



Art Unit: 2832

Examiner:

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Copy of New Declaration (identify type of reply):
☒ has been filed previously on Nov 6, 2004
☐ is enclosed herewith.

03/15/2006 SZEWDIE1 00000056 10727584

01 FC:2453

750.00 OP

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Feb 17, 2006

Date

MARIAN GAVRILA

Typed or printed name

Registration Number, if applicable

535 Burleigh Private, Ottawa, ON, K1J 1J9, CANADA

Address

(613) 842-0373

Telephone Number

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Office confirmation of receipt of new declaration

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: *Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.*

☐ Transmitted by facsimile on the date shown below to the *United States Patent and Trademark Office as (571) 273-8300.*

Date

Signature

Typed or printed name of person signing certificate

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



Case: G\$P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE Patent Application SN: 10/727,584

FILED: 12/05/2003

SUBJECT: Hybrid communication terminal-alarm system

DATE: Feb 17, 2006

United States Patent and Trademark Office
Customer Service Window, Mail Stop PETITIONS
Randolph Building
401 Dulany Street
Alexandria, VA 22314

**STATEMENT IN SUPPORT OF PETITION TO REVIVE UNDER 37 CFR
PARAGRAPH 1.137(b)**

1. The above-identified application was filed in the USPTO and received the filing date of 12/05/2003, and a serial number of 09/165,031
2. A Notice to Missing Parts (hereinafter called "the Notice") dated March 8, 2004 was received at the address of correspondence specified at the date of filing. The Notice indicated that the signature of one of the inventors, Marian Gavrilă was missing from the Declaration. The Notice set a deadline of two month for filing a new Declaration and required payment of \$65.
3. The Notice was received with a delay of, due to the change of address of the correspondence has been changed.
4. Not being familiar with the patent law and practice, and with the legal language of the Notice, the inventors disregarded the deadline.
5. Once the inventors realized that a response to the Notice must be filed, a new, dully signed Declaration was filed on November 6, 2004. The new

Declaration was accompanied by documentation showing the late receipt of the Notice. The letter was sent by registered mail, RT 747 177 265 CA. The inventors did not include the Declaration surcharge of 65\$, believing that the delay in providing the response was justified and that the Office will wave the fee.

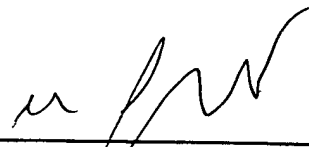
6. The USPTO confirmed on December 1, 2004 that the new Declaration was received but that the Declaration surcharge of 65\$ is still due. It was however unclear for the inventors if a penalty must be paid, the value of such penalty, and the deadline for doing so. Again, as the inventors are not familiar with the legal language, they truly believed that only the sum of 65\$ was due.
7. On 30 December 2004, the Applicants mailed the Declaration surcharge of \$65 to the USPTO with the registered letter RT 858 918 235 CA. On January 12, 2005 the sum of 65\$ was withdrawn from the credit card. The inventors/applicants assumed that everything was in good order and the payment due was accepted by the USPTO.
8. No further correspondence was received from the USPTO until the Notice of Abandonment of October 27, 2005.
9. The inventors again called the USPTO to inquire as to the reason and date of abandonment, and the costs and time limit for reviving the application, information that was not provided on the Notice of Abandonment in a clear and unequivocal language. Mr. Ervin Dingle advised that we must file a Petition, that costs 750\$ and that there is no time limit for doing so, but that it is better to respond as soon as possible.
10. The applicants phoned the office on January 17, 2006. Mr. Douglas Wood confirmed that the applicant's letter sent on December 6, 2005 has been received by the Office on December 20, 2005. Mr. Woods also stated that Withdrawal of the Holding of Abandonment will be initiated and a confirmation letter will be sent to the applicants.

11. The applicants have not heard from the Office, therefore they phoned again on February 7, 2006. They talked to Mr. Derek Wood who looked in the file and he could not find any reply sent to the applicant's letter received by the office on December 20, 2005.
12. The Applicants are now filing this statement with a view to explain that the entire delay in payment of the Declaration surcharge from the due date of July 8, 2004 to date was unintentional.
13. In view of the above facts, and having in view that the inventors diligently filed this patent application with a view to obtain a patent, and also without any intention to abandon this case, the inventors respectfully requests the office to revive the above-identified patent application.
14. The submit with this statement and petition the petition fee of \$750 as set forth in paragraph 1.17(m), for small entity.
15. The Applicant also includes herein a copy of the Visa Statement showing that the Declaration surcharge has been paid on January 12, 2005.

Respectfully submitted,

By Marian GAVRILA

Signature
Date



February 17, 2006



BEST AVAILABLE COPY

DECLARATION

As below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original inventor of the subject matter, which is claimed and for which a patent is sought on the invention entitled:

HYBRID COMMUNICATION TERMINAL-ALARM SYSTEM
the specification of which is attached thereto.

We hereby claim priority benefits of the Patent Applications Application identified below:

<u>Application Number</u>	<u>Filing date</u>	<u>Country of Filing</u>
2,411,365	December 6, 2002	Canada
2,418,612	March 5, 2003	Canada

I acknowledge the duty to disclose information of which I am aware and which is material to the examination of this application in accordance with Title 37, Code of Federal regulations, Section 1.56(a).

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that such willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of 1st inventor: Marian GAVRILA

Inventor's signature: 

Date of signature: _____

Citizenship:

CANADIAN

Residence:

535 Burleigh Private, Ottawa, Ontario
Canada K1J 1J9

Post Office Address:

same as above

Full name of 2nd inventor: Gabriel PATULEA

Inventor's signature: *Patulea*

Date of signature: Dec 03, 2003

Citizenship: CANADIAN

Residence: 1203 Clyde Ave, Ottawa, Ontario

Canada K2C 1Y3

Post Office Address: same as above



BEST AVAILABLE COPY

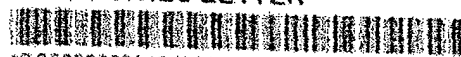
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Modern COMMERCE FOR PATENTS
Pat. Dec. 1994
Alexandria, Virginia 22304-1276
703-305-4000 • 800-786-9899

APPLICATION NUMBER	FILED ON (DATE)	FIRST NAMED APPLICANT	ATTORNEY DECKET NUMBER
10/727.584	12/05/2003	Marian Cayula	G&P

CONFIRMATION NO. 7347

FORMALITIES LETTER



*OC00000001 4641 2841

Date Mailed: 12/01/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 11/15/2004 to the Notice to File Missing Parts (Notice) mailed 03/08/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain **EXTENSIONS OF TIME** under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.

SUMMARY OF FEES DUE:

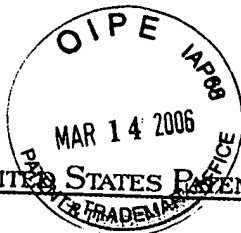
Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65 Late oath or declaration Surcharge.**

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/727,584	12/05/2003	Marian Gavrilă	G&P1

**CONFIRMATION NO. 7347
 ABANDONMENT/TERMINATION
 LETTER**

Marian Gavrilă
 535 Burleigh Private
 Ottawa, ON K1J 1J9
 CANADA

Date Mailed: 10/27/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/08/2004.

- The reply received on 01/11/2005 was untimely.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).


Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

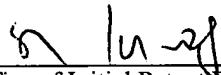
Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.



*A copy of this notice **MUST** be returned with the reply.*


Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 1 - ATTORNEY/APPLICANT COPY



Transaction details

Card number 4505 5150 0326 8843

Trans. date	Post date	Description	Amount (\$)
JAN 12	JAN 14	US PATENT/TRADEMARK OF 703-3085068 VA	80.11
		65.00 US DOLLAR @ 0.000000 **	
JAN 13	JAN 17	NUTRITION ACTION HLTH LTR WASHINGTON DCON	15.00
JAN 18	JAN 19	Amazon.ca AMAZON.CA ON	52.58
JAN 22	JAN 24	BILKIZ ENTERPRISES OTTAWA ON	87.37
JAN 22	JAN 25	WINNERS #223 GLOUCESTER ON	33.35
JAN 29	JAN 31	LOBLAW SUPERMARKET #10 GLOUCESTER ON	12.39
JAN 29	FEB 1	OLCO # 22619 OTTAWA ON	31.00
JAN 29	FEB 1	CDN TIRE STORE #00297 GLOUCESTER ON	126.73
FEB 1	FEB 3	PAPETERIE THIBO ENR HULL QC	10.34
FEB 2	FEB 3	30-025 PROVINCIAL OFFENCE NEPEAN ON	110.00
FEB 2	FEB 4	REITMANS 658 HULL QC	52.89
FEB 2	FEB 4	OBLIGE CONCEPT MODE HULL QC	34.50
FEB 2	FEB 4	OBLIGE CONCEPT MODE HULL QC	11.49
FEB 4	FEB 4	INTEREST TOTAL	35.95
JAN 6	JAN 7	ROYAL BANK OF CANADA MONTREAL	-100.00
JAN 27	JAN 28	PAYMENT / PAIEMENT	-153.17

Message centre

IMPORTANT NOTICE: PLEASE READ THE ENCLOSED AMENDMENTS TO YOUR CARDHOLDER AGREEMENT. CHANGES WILL BE EFFECTIVE APRIL 1, 2005.

Select VISA

Account number
4505 5150 0326 8843

In this statement you must tell us within 60 days of the statement date if you do not, the statement is void. (except for improper credits). The statement is void on the date of the statement per 87(1) of the Act.

How we apply your payments

We apply your payments to your Select VISA account in the following order: (a) Interest, (b) Fees (shown as ** Other Charges on this statement), (c) Previously Billed items (i.e. overpayment), (d) Balance transfers, (e) Cash Advance, (f) Purchases Promotions, (g) Purchases, (h) Items on this statement that are not previously billed items. Credit balance is applied to Unbilled items in the order in which they are billed. Within each category of items referred to in (c) and (d), where there are multiple transactions, the payment will be applied to those items which bear interest at the lowest rate first.

How we charge interest

To calculate interest, the daily interest rate displayed on front of this statement is multiplied by the interest-bearing balance at the end of each day.

If there are different daily rates, each rate is multiplied by the portion of the interest-bearing balance to which it applies.

a) On purchases: No interest is charged on a new purchase if you pay your new balance in full by the payment due date. If you make only a partial payment, then we charge interest retroactively on purchases from the transaction date until you pay all of your new balance and the interest.

b) On cash advances (including CIBC Convenience Cheques and balance transfers): We charge interest on cash advance from the day you receive the advance until you make a payment which covers the amount of the advance. The interest charged on that advance. We charge interest on CIBC Convenience Cheques and balance transfers from the day we post it to your Select VISA account until you make a payment which covers the amount of the cheque or balance transfer and the interest charged on that cheque or balance transfer.

Minimum payment due: The minimum amount due is 2% of your new balance or \$5.00, whichever is greater. This amount must be paid by the payment due date.

Available credit

This section shows the credit you had available at the end of the statement period and does not reflect transactions made since this statement was issued.

** Denotes transaction in foreign currency. You have been charged the same conversion rate CIBC is required to use plus an administration fee of 2.5% of the converted amount. This fee applies to both debits and credits.

* Visa Int./CIBC Lic. user.